

08 CIV 5435

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
HARLEY MULLION & CO. LIMITED
ERNST RUSS (UK) LTD.
SCANDANAVIAN SHIPPING

Plaintiffs,

v.

CAVERTON MARINE LIMITED

Defendant

08 CV ____ (____)

**ATTORNEY'S
DECLARATION
THAT DEFENDANT
CANNOT BE FOUND
WITHIN THE DISTRICT**

-----X

This declaration is executed by the attorney for the Plaintiffs, HARLEY MULLION & CO. LIMITED, ERNST RUSS (UK) LTD., and SCANDANAVIAN SHIPPING, (hereinafter "HARLEY", "ERNST RUSS" and "SCANDANAVIAN" respectively), in order to secure the issuance of a Summons and Process of Attachment and Garnishment in the above-entitled, *in personam*, Admiralty cause.

Pursuant to 28 U.S.C. § 1746, Owen F. Duffy, declares under penalty of perjury:

1. I am a partner of the firm of Chalos, O'Connor & Duffy LLP representing Plaintiffs HARLEY, ERNST RUSS, and SCANDANAVIAN in this case.

2. I have personally inquired or have directed inquiries into the presence of Defendant CAVERTON MARINE LIMITED (hereinafter "CAVERTON") in this District.

3. I have personally checked with the office of the Secretary of State of the State of New York, using the Secretary of State's Division of Corporations database, and I have determined that, as of June 16, 2008, the Defendant CAVERTON is not incorporated pursuant to the laws of New York, is not qualified to conduct business within the State of New York and has not nominated agents for the service of process within New York because the Secretary of State of the State of New York has no records for the Defendant CAVERTON.

4. I have inquired of Verizon Telephone Company whether the Defendant CAVERTON can be located within this District. The Verizon Telephone Company has advised me that the Defendant does not have any telephone number listings within this District.

5. I have further consulted with several other telephone directories on the internet, and I have found no telephone listing or address for the Defendant CAVERTON within this District.

6. I have further made several searches on the internet with various search engines and maritime websites, and I have found no indication that the Defendant CAVERTON can be found within this District.


7. In that I have been able to determine that the Defendant CAVERTON is not based in the District and that I have found no indication that the Defendant CAVERTON can be found within this District, I have formed a good faith belief that the Defendant CAVERTON does not have sufficient contacts or business activities within this District to defeat maritime attachment under Rule B of the Supplemental Rules for Admiralty and Maritime Claims as set forth in the Federal Rules of Civil Procedure.

8. It is my belief, based upon my own investigation that the Defendant CAVERTON cannot be found within this District for the purposes of Rule B of the Supplemental Rules of Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure.

Dated: Port Washington, New York
June 16, 2008

CHALOS, O'CONNOR & DUFFY, LLP
Attorneys for Plaintiffs,
HARLEY MULLION & CO. LIMITED
ERNST RUSS (UK) LTD.
SCANDANAVIAN SHIPPING

By: _____


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